

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 MARSHALL DIVISION

IMPLICIT, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:18-cv-53-JRG
	§	LEAD CASE
v.	§	
	§	JURY TRIAL DEMANDED
NETSCOUT SYSTEMS, INC.,	§	
	§	
<i>Defendant.</i>	§	

IMPLICIT, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 2:18-cv-54-JRG
	§	MEMBER CASE
v.	§	
	§	JURY TRIAL DEMANDED
SANDVINE CORPORATION,	§	
	§	
<i>Defendant.</i>	§	

DEFENDANTS’ REBUTTAL TRIAL EXHIBIT LIST
 AND OBJECTIONS TO PLAINTIFF’S EXHIBIT LIST

Pursuant to the Eleventh Amended Docket Control Order (Dkt. No. 139), Defendants Sandvine Corporation (“Sandvine”) and NetScout Systems, Inc. (“NetScout”) (collectively, “Defendants”) provide their rebuttal trial exhibit list for issues on which Plaintiff bears the burden at trial. NetScout’s Rebuttal Trial Exhibit List is attached as Exhibit A. Sandvine’s Rebuttal Trial Exhibit List is attached as Exhibit B. Defendants also provide their objections to Plaintiff’s exhibit list as Exhibit C. Defendants reserve the right to use any exhibits designated by Plaintiff.

The exhibits listed herein are exhibits that Defendants may offer at trial. Defendants may decide to not offer certain of the listed exhibits into evidence, and some exhibits are contingent on what Implicit offers into evidence. The list includes certain exhibits that Defendants may elect to

use solely for impeachment and which are marked for identification purposes. Accordingly, inclusion on this list is not a waiver of any objection and not a concession that the exhibit is admissible or would be admissible if offered by Implicit.

Defendants further reserve the right to offer into evidence any trial exhibit listed in Implicit's trial exhibit lists or deposition exhibit included with any designated deposition testimony should the testimony be introduced during the course of the trial. Defendants include the exhibits listed herein in the interest of ensuring timely disclosure. However, some exhibits may not relate to issues on which Implicit bears the burden of proof. Inclusion of any exhibit on this list is not a waiver of any objection with respect to the burden of proof.

Defendants reserve the right to modify, amend, or supplement its objections and rebuttal disclosures prior to or during trial for reasons including, by way of example and not of limitation, rulings by the Court including on any *Daubert* motions, summary judgment motions, motions to strike and/or motions *in limine*, or any other case developments or rulings by the Court that may affect the scope of issues for trial or as information is revealed through the parties' pretrial exchanges.

In addition, counsel for Implicit identified certain documents that were produced by one defendant in the case against a different defendant. While Defendants have endeavored to object, where necessary, to these documents, they reserve the right to further object to such use of documents produced by a defendant not in their respective case. While specific objections are made in Exhibit C, each Defendant further objects to all documents produced by it in its respective case under Fed. R. Evid. 901. Defendants also object to any documents or items identified on Implicit's Exhibit List that were not produced in this case prior to the close of discovery or relied upon by an expert witness.

Dated: October 18, 2019

Respectfully submitted,

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SYSTEMS, INC. AND SANDVINE
CORPORATION

Plaintiff Implicit, LLC provides the following codes to its objections to Defendant

Netscout's Rebuttal Exhibit List:

Abbreviation	Objection
401/402	Irrelevant
403	Unfair prejudice, confusing, waste of time
602	Lack of personal knowledge/foundation
801/802	Hearsay
901	Authentication
MD	Multiple Documents
U	Untimely – Produced after close of discovery
MIL	Subject to pending MIL
Stip	Subject to Stipulation
LD	Late Disclosure
NR	No Rebuttal Identified

Exhibit No.	Title/Description	BegDoc	EndDoc	Pre-Admitted	Objections	Rulings/Other	Admitted	Date Admitted	Witness	DocDate
DX-0362		IMPL 014240	IMPL 014261							
DX-0363		IMPL 065940	IMPL 065942							
DX-0364		RSLLP0000277	RSLLP0000635		MD, 401/402, 403, 801, 802, 901, LD, NR					
DX-0365		IMPL 035357	IMPL35361		LD; NR					
DX-0366		RSLLP_00000123	RSLLP_00000130							
DX-0367		RSLLP_00000093	RSLLP_00000102							
DX-0368	Email between Balassanian and Hutchins regarding Implicit litigation with F5 Network	IMPL 035290								
DX-0369		IMPL 065643								
		IMPL 037659								
DX-0370										
DX-0371		IMPL 037647								
DX-0372		IMPL 0146690	IMPL 0146695		LD; NR					
DX-0373		IMPL 000026	IMPL 000061							
		IMPL 038237	IMPL 038256							
DX-0374										
DX-0375		IMPL 038257	IMPL 038272							
DX-0376		IMPL 038192	IMPL 038224							
DX-0377		IMPL 038279	IMPL 038283							
DX-0378		IMPL 038298	IMPL 038302							
DX-0379		IMPL 038226	IMPL 038230							
DX-0380		IMPL 038284	IMPL 038290							
DX-0381	DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT FOR RECOVERY OF DEBT AND DEFENDANTS' COUNTERCLAIMS - Suntrust Banks Inc. v. Be Yachts, LLC; Filed July 13, 2018	STUCKWISCH00001	STUCKWISCH00018		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0382	Complaint for Recovery of Debt - Suntrust Banks, Inc. v Be Yachts, LLC; Filed June 11, 2018	STUCKWISCH00019	STUCKWISCH00027		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0383	Suntrust Marine Installment Note, Disclosure Statement and Security Agreement	STUCKWISCH00028	STUCKWISCH00032		LD; NR; U; 401/402; 403; 602; 801/802; 901					

DX-0384	Suntrust First Preferred Ship Mortgage dated January 29, 2013	STUCKWISCH00033	STUCKWISCH00038		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0385	Suntrust Borrowing and Guaranty Resolution dated January 29, 2013	STUCKWISCH00039	STUCKWISCH00040		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0386	Letter to: Be Yachts LLC Notice of Our Plan to Sell Property dated February 18, 2015	STUCKWISCH00041	STUCKWISCH00044		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0387	Suntrust Letter to: Edward Balassanian Notice of Our Plan to Sell Property dated February 17, 2016	STUCKWISCH00045	STUCKWISCH00048		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0388	Suntrust Bank Boat Condition Report dated February 3, 2015 from BucValuPro	STUCKWISCH00049	STUCKWISCH00051		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0389	Suntrust Letter to: Edward Balassanian Explanation of Calculation of Deficiency or Surplus dated March 24, 2017	STUCKWISCH00052	STUCKWISCH00055		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0390	Complaint for Money Due - Pivotal Software Inc. v. Be Labs LLC; Filed July 14, 2009	STUCKWISCH00056	STUCKWISCH00068		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0391	Agreement Judgement and Judgement Summary - Pivotal Software Inc. v. Be Labs LLC; Filed October 15, 2014	STUCKWISCH00069	STUCKWISCH00072		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0392	Complaint for Breach of Contract and Monies Due - MWW Group v Be Labs, LLC April 15, 2013	STUCKWISCH00073	STUCKWISCH00078		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0393	Order of Dismissal MWW Group v. Be Labs LLC; Filed March 24, 2016	STUCKWISCH00079	STUCKWISCH00079		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0394	Be Yachts, LLC Certificate of Formation Filed January 18, 2013	STUCKWISCH00080	STUCKWISCH00081		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0395	Answer and Affirmative Defenses - MWW Group v. Be Labs, LLC filed May 21, 2015	STUCKWISCH00082	STUCKWISCH00087		LD; NR; U; 401/402; 403; 602; 801/802; 901					
DX-0396	Email from L. Peterson to E. Balassanian Re: whitepaper and attachment	PETERSON000122	PETERSON000128							6/1/2001
DX-0397	Emails between L. Peterson and E. Balassanian Re: whitepaper	PETERSON000206	PETERSON000207							6/5/2001
DX-0398	Email from L. Peterson to E. Balassanian Re: latest draft	PETERSON000433								3/1/2001
DX-0399	Email b/w D. Mosberger and Erise	Mosberger Dep. Ex. 53								3/4/2019
DX-0400	Oliver Spatschek - Resume	DEFSPA313999	DEFSPA314001		LD; NR; 602; 901					10/14/1999
DX-0401	Response to Office Action Mailed September 19, 2009	IMPL 045774	IMPL 045788		LD; NR;					
DX-0402	U.S. Patent No. 7,730,211	IMPL 058154	IMPL 058186		LD; NR;					
DX-0403	Portal Operating System A White Paper	IMPL 059276	IMPL 059297							
DX-0404	Technology Patents	IMPL 060563	IMPL 060565							
DX-0405	Portal Operating System A White Paper	IMPL 066606	IMPL 066627							
DX-0406	Technology Patents	IMPL 067593	IMPL 067628		LD; NR;					
DX-0407	Response to April 3, 2012 Office Action	IMPL 067629	IMPL 067677		LD; NR;					
DX-0408	First Amended Complaint and Demand for Jury Trial	IMPL 068459	IMPL 068476		LD; NR; MIL; STIP; 403					
DX-0409	Clam Construction Hearing	IMPL 068684	IMPL 068725		LD; NR; MIL; STIP; 403					
DX-0410	Interview Summary	IMPL 101592	IMPL 101613		LD; NR					
DX-0411	Amendment and Response to Office Action Mailed December 4, 2009	IMPL 103803	IMPL 103816		LD; NR					

DX-0412	Amendment and Response to Office Action Mailed July 7, 2009	IMPL 107525	IMPL 107558		LD; NR					
DX-0413	Amendment and Response to Advisory Action Mailed January 21, 2010 and Summary of February 4, 2010 Interview	IMPL 113474	IMPL 113491							
DX-0414	Comments to ACP	IMPL 116409	IMPL 116477		LD; NR					
DX-0415	Preliminary Amendment	IMPL 122088	IMPL 122108		LD; NR					6/6/2013
DX-0416	Letter dated 2/21/2001 from J. Bodio to E. Balassanian	IMPL 143386			LD; NR					2/21/2001
DX-0417	Letter dated 1/5/2001 from J. Bodio to E. Balassanian and Letter dated 4/6/2001 from E. Balassanian to J. Bodio	IMPL 143387	IMPL 143390		LD; NR					1/5/2001
DX-0418	Letter from M. Braner to E. Balassanian	IMPL 143391			LD; NR					12/10/2001
DX-0419	Equite/Debt Investment Due Diligence Process/Checklist Items	IMPL 145774	IMPL 145787		LD; NR; 401/402; 403					
DX-0420	Letter dated February 19, 1999 from D. Redelfs to E. Balassanian	IMPL 150827			LD; NR					2/19/1999
DX-0421	Email from S. Miller to M. Pirio Re: documents and attachments	IMPL 155585	IMPL 155705		LD; NR					1/6/1999
DX-0422	Email from M. Pirio to E. Balassanian Re: 29451.8000 Status	IMPL 155872			LD; NR					7/1/1999
DX-0423	Email from M. Pirio to E. Balassanian Re: Demux Code	IMPL 156701			LD; NR					8/30/1999
DX-0424	Email from S. Bradley to M. Pirio Re: Demux Patent	IMPL 156704								9/6/1999
DX-0425	Email between S. Bradley and M. Pirio Re: Demux Patent	IMPL 156715			LD; NR					9/9/1999
DX-0426	Email from S. Bradley to E. Balassanian re: Portal ProtocolRegister and Portal EdgeRegister	IMPL 156740	IMPL 156742		LD; NR					12/16/1999
DX-0427	Original Complaint for Patent Infringement	IMPL_GRP.B_00011996	IMPL_GRP.B_00012002		LD; NR; MIL; STIP; 401/402; 403					6/20/2014
DX-0428	Emails between E. Balassanian and M. Schneider Re: IRS levy	IMPLICIT_00000972			LD; NR; MIL; STIP; 401/402; 403; 801/802					12/27/2005
DX-0429	Emails between E. Balassanian and RM Crill Re: Taxes	IMPLICIT_00001197			LD; NR; MIL; STIP; 401/402; 403; 801/802					2/8/2006
DX-0430	Emails between E. Balassanian and M. Schneider Re: IRS audit	IMPLICIT_00002537			LD; NR; MIL; STIP; 401/402; 403; 801/802					6/19/2003
DX-0431	Emails between E. Balassanian and RM Crill Re: Mick	IMPLICIT_00002880			LD; NR; MIL; STIP; 401/402; 403; 801/802					6/19/2006
DX-0432	Email from T. Jacobsen to E. Balassanian	IMPLICIT_00003229			LD; NR; MIL; STIP; 401/402; 403; 801/802					8/3/2006
DX-0433	Emails between e. Balassanian and M. Schneider re: call	IMPLICIT_00004191			LD; NR; MIL; STIP; 401/402; 403; 801/802					8/16/2004
DX-0434	Emails between E. Balassanian and M. Tranter re: funds	IMPLICIT_00004231			LD; NR; MIL; STIP; 401/402; 403; 801/802					8/23/2004
DX-0435	Emails between E. Balassanian and T. Harmon Re: checking in	IMPLICIT_00005537			LD; NR; MIL; STIP; 401/402; 403; 801/802					5/21/2007
DX-0436	Email from G. Carpenter re: August Invoice	IMPLICIT_00009445			LD; NR; MIL; STIP; 401/402; 403; 801/802					

DX-0437	Email from D. Constanzo to E. Balassanian re: intermittent paychecks	IMPLICIT_00010019			LD; NR; MIL; STIP; 401/402; 403; 801/802				6/27/2004
DX-0438	Emails between E. Balassanian and RM Crill Re: Implicit	IMPLICIT_00012877			LD; NR; MIL; STIP; 401/402; 403; 801/802				5/17/2006
DX-0439	Emails between E. Balassanian and RM Crill Re: Implicit	IMPLICIT_00012952			LD; NR; MIL; STIP; 401/402; 403; 801/802				5/17/2006
DX-0440	Email from M. Fiuczynski to Gladiator Re: should v2 move to an advanced language (e.g., Modula-3 or Java)	IMPLICIT_00014388			LD; NR				5/16/2000
DX-0441	Email from E. Balassanian to J. Oscodar re: Sales	IMPLICIT_00015346			LD; NR				3/22/2002
DX-0442	Emails between E. Balassanian and M. Fiuczynski Re: are you in or out?	IMPLICIT_00031398			LD; NR; 401/402; 403				10/1/2001
DX-0443	Email from J. Oscodar to E. Balassanian Re: FW: Becomm	IMPLICIT_00033003			LD; NR; 401/402; 403				8/11/2001
DX-0444	Emails between E. Balassanian and D. Marshall Re: your license history	IMPLICIT_00034417			LD; NR; 401/402; 403				5/14/2003
DX-0445	Emails between E. Balassanian and K. Schuitemaker Re: Invoice	IMPLICIT_00035241	IMPLICIT_00035242		LD; NR; 401/402; 403; 801/802				6/30/2006
DX-0446	Emails between E. Balassanian and M. Schneider Re: IRS plus	IMPLICIT_00062671			LD; NR; 401/402; 403; 801/802				9/12/2006
DX-0447	Email from E. Balassanian to Core Development Team	IMPLICIT_00067699			LD; NR; 401/402; 403; 801/802				8/5/1999
DX-0448	Email from E. Balassanian to M. Fiuczynski Re: should v2 move to an advanced language? (e.g., Modula-3 or Java)	IMPLICIT_00068529			NR; LD				5/16/2000
DX-0449	Email from A. Blowers to Lifers Re: **Project Utah Status 1-12-2001	IMPLICIT_00072978			NR; LD				1/12/2001
DX-0450	Email from S. Bradley to BeComm Development Team Re: VSS to CVS Switchover	IMPLICIT_00092158			NR; LD				7/11/2000
DX-0451	Email from E. Balassanian Re: Scout OS	IMPLICIT_00097303			NR; LD				2/1/2001
DX-0452	Email from E. Balassanian Re: Scout OS	IMPLICIT_00097304			NR; LD				2/7/2001
DX-0453	NetScout Produced Source Code	NETSCOUT_SOURCE_000001	NETSCOUT_SOURCE_000725						
DX-0454	NetScout source code cited in Dr. Jeffay's Rebuttal Report								
DX-0455	NetScout's source code				NR; LD				
DX-0456	2/8/2016 Email from M. Srinivasagowda to N. Byrapuram Re: Out of sequence packet handling in nsprobe	NETSCOUT050151	NETSCOUT050154		NR; LD				2/8/2016
DX-0457	2/8/2016 Email from S. Prasad to M. Srinivasagowda Re: TCP segments out of sequence and re-ordering	NETSCOUT050155	NETSCOUT050155		NR; LD				2/8/2016
DX-0458	Design Specification: Malformed HTTP Counter-Measures	NETSCOUT060043	NETSCOUT060058		NR; LD				10/27/2007
DX-0459	TLS Decryption in Packet Engine	NETSCOUT063347	NETSCOUT063366						
DX-0460	Pktengine Design document	NETSCOUT063495	NETSCOUT063501						
DX-0461	Packet engine plugin subsystem, as exists in Peakflow TMS Wahoo (3.6)	NETSCOUT064734	NETSCOUT064734						
DX-0462	TMS System Guide	NETSCOUT064769	NETSCOUT064825						
DX-0463	Pktengine	NETSCOUT064883	NETSCOUT064903						
DX-0464	TMS Pktengine Packet Flow Diagram	NETSCOUT095737	NETSCOUT095737						
DX-0465	G10 and GeoBlade Overview	NETSCOUT097167	NETSCOUT097216						
DX-0466	IPI/ITA System Compliance Document Version 7.17.3	NETSCOUT084825	NETSCOUT084991		NR; LD				

DX-0467	Iris Network Intelligence Solution Operations, Administration and Maintenance Guide	NETSCOUT103152	NETSCOUT103285		NR; LD					
DX-0468	Iris Traffic Analyzer	NETSCOUT106284	NETSCOUT106356		NR; LD					
DX-0469	HTTP Support on Avenger	NETSCOUT121250	NETSCOUT121254		NR; LD					
DX-0470	IIC Headers	NETSCOUT121255	NETSCOUT121265		NR; LD					
DX-0471	Flow State Packet Processing Design	NETSCOUT122400	NETSCOUT122417		NR; LD					
DX-0472	Interface Coding Standards for GeoSoft Compliance	NETSCOUT123763	NETSCOUT123766		NR; LD					
DX-0473	Network Application Visibility Library 4.x API Guide	PROCERA000001	PROCERA000064		NR; LD					4/4/2018
DX-0474	Procera_NAVL_Classification_process_Feb_2016_v1.0	PROCERA000065	PROCERA000066							Feb-16
DX-0475	MPLS Support	PROCERA000613	PROCERA000613		NR; LD					12/14/2018
DX-0476	Network Application Visibility Library 4.x API Guide	PROCERA000615	PROCERA000675		NR; LD					12/10/2018
DX-0477	NAVL 4.x Release Notes	PROCERA000676	PROCERA000699							12/10/2018
DX-0478	Network Application Visibility Library OEM Deep Packet Inspection Engine	PROCERA005164	PROCERA005192							Mar-19
DX-0479	Procera Produced Source Code (as to NAVL only)	OCERA_SOURCE_0000477	OCERA_SOURCE_0000478							
DX-0480	Procera source code cited in Dr. Jeffay's Rebuttal Report (as to NAVL only)									
DX-0481	Procera's source code (as to NAVL only)				NR; LD					